

House File 2355 - Reprinted

HOUSE FILE 2355
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 2045)

(As Amended and Passed by the House February 27, 2018)

A BILL FOR

1 An Act establishing a veterans recovery pilot program and fund
2 for the reimbursement of expenses related to providing
3 hyperbaric oxygen treatment to eligible veterans.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 35E.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. *"Commission"* means the commission of veterans affairs
5 established in section 35A.2.

6 2. *"Department"* means the Iowa department of veterans
7 affairs created in section 35A.4.

8 3. *"Health care practitioner"* means a practitioner as
9 defined in section 155A.3.

10 4. *"Hyperbaric oxygen treatment"* means treatment, including
11 diagnostic testing and other related medical treatments, for
12 traumatic brain injury or post-traumatic stress disorder
13 prescribed by a health care practitioner that utilizes, as part
14 of the treatment, any of the following:

15 a. A hyperbaric chamber approved by the United States food
16 and drug administration.

17 b. A hyperbaric oxygen device that is approved by the United
18 States food and drug administration for investigational use
19 under the direction of an institutional review board with a
20 national clinical trial number.

21 5. *"Pilot program"* means the veterans recovery pilot program
22 established under this chapter.

23 6. *"Traumatic brain injury"* means an acquired injury to the
24 brain. *"Traumatic brain injury"* does not mean brain dysfunction
25 caused by congenital or degenerative disorders or birth trauma.

26 7. *"Treatment facility"* means a hospital as defined in
27 section 135B.1, an organized outpatient health facility as
28 defined in section 135.61, or any other facility that is
29 authorized by the department to provide hyperbaric oxygen
30 treatment under this chapter.

31 8. *"Veteran"* means a veteran as defined in section 35.1, a
32 member of the national guard or reserve forces of the United
33 States, and a former member of the national guard or reserve
34 forces of the United States who was discharged under honorable
35 conditions.

1 9. "*Veterans recovery fund*" means the veterans recovery fund
2 created in section 35E.3.

3 Sec. 2. NEW SECTION. **35E.2 Veterans recovery pilot program**
4 **— establishment — reports — rules.**

5 1. The department shall establish a veterans recovery pilot
6 program, subject to sufficient funds in the veterans recovery
7 fund to operate the pilot program, to provide hyperbaric oxygen
8 treatment and support services to eligible veterans who have
9 been diagnosed with a post-traumatic stress disorder or a
10 traumatic brain injury pursuant to the requirements of this
11 chapter.

12 2. The department shall adopt rules to implement and
13 administer this chapter.

14 3. By October 1 of each odd-numbered year, the department
15 shall submit a biennial report regarding the pilot program
16 that includes an evaluation of the effectiveness of the pilot
17 program and the number of veterans and treatment facilities
18 participating in the pilot program.

19 Sec. 3. NEW SECTION. **35E.3 Veterans recovery fund.**

20 1. A veterans recovery fund is created in the state treasury
21 under the control of the department.

22 2. The fund shall consist of moneys appropriated for
23 purposes of the pilot program, and any other devise, gift,
24 bequest, donation, federal or other grant, reimbursement of
25 payments made by any responsible third-party payor, repayment,
26 judgment, transfer, or payment intended to be used for the
27 purposes of the fund.

28 3. Moneys in the fund are appropriated to the department
29 and may be expended by the department for any of the following
30 purposes:

31 a. Expenses incurred by the department in administering the
32 pilot program.

33 b. Expenses authorized pursuant to a treatment plan approved
34 pursuant to section 35E.4 for hyperbaric oxygen treatment of a
35 veteran under the pilot program.

1 *c.* Expenses authorized pursuant to a treatment plan approved
2 pursuant to section 35E.4 for any necessary travel and living
3 expenses of a veteran required to travel to obtain hyperbaric
4 oxygen treatment under the pilot program.

5 4. Notwithstanding section 12C.7, subsection 2, interest or
6 earnings on moneys in the fund shall be credited to the fund.
7 Moneys in the fund may be used for cash flow purposes during a
8 fiscal year provided that any moneys so allocated are returned
9 to the fund by the end of that fiscal year.

10 5. For purposes of section 8.33, unencumbered or
11 unobligated moneys in the fund shall not revert but shall
12 remain available for expenditure for the purposes designated
13 until June 30, 2024. Any unencumbered or unobligated moneys
14 remaining in the fund as of June 30, 2024, shall not revert but
15 shall be transferred for deposit in the veterans trust fund
16 created in section 35A.13.

17 Sec. 4. NEW SECTION. 35E.4 Hyperbaric oxygen treatment —
18 treatment plan.

19 1. A treatment facility seeking reimbursement for providing
20 hyperbaric oxygen treatment to a veteran under the pilot
21 program shall, prior to providing such treatment, submit a
22 proposed treatment plan to the department in a manner as
23 prescribed by the department.

24 2. The proposed treatment plan shall include the following
25 information:

26 *a.* A prescription order for hyperbaric oxygen treatment
27 issued by a health care practitioner.

28 *b.* Information verifying the eligibility of the veteran to
29 receive treatment and that the treatment facility is authorized
30 to provide hyperbaric oxygen treatment.

31 *c.* An estimate of the costs for providing hyperbaric oxygen
32 treatment by the treatment facility.

33 *d.* An estimate of cost for reimbursing any necessary travel
34 and living expenses of the veteran required to travel to obtain
35 the hyperbaric oxygen treatment.

1 e. Any other information required by the department.

2 3. Upon receipt of a proposed treatment plan, the department
3 and the commission shall approve or disapprove the treatment
4 plan within a reasonable time as established by rule. The
5 department shall not approve the treatment plan if there
6 is not sufficient money in the veterans recovery fund to
7 reimburse the estimate of costs and expenses provided in the
8 proposed treatment plan. The department shall notify the
9 treatment facility whether the treatment plan was approved or
10 disapproved.

11 4. A treatment facility may, following approval of a
12 proposed treatment plan, submit a modified treatment plan if
13 actual expenses are anticipated to exceed the estimated costs
14 approved in the initial treatment plan. The department and the
15 commission shall approve or disapprove the modified treatment
16 plan, subject to sufficient moneys in the veterans recovery
17 fund for the increased expenses, and shall notify the treatment
18 facility within a reasonable time as established by rule
19 whether the modified treatment plan was approved or disapproved
20 within a reasonable time as established by rule.

21 Sec. 5. NEW SECTION. 35E.5 Provision of treatment —
22 reimbursement of expenses.

23 1. A treatment facility shall receive reimbursement of
24 expenses incurred in providing hyperbaric oxygen treatment
25 under the pilot program to a veteran if the department and the
26 commission have approved a treatment plan under section 35E.4
27 for the veteran.

28 2. A treatment facility that elects to provide hyperbaric
29 oxygen treatment to a veteran under the pilot program shall
30 provide the treatment without charge to the veteran. A veteran
31 receiving treatment under the pilot program is not liable for
32 the cost of treatment or expenses incurred under the pilot
33 program.

34 3. A treatment facility that elects to provide treatment
35 under the pilot program shall submit to the department regular

1 reports, in the form prescribed by the department, of the
2 veteran's measured health improvements under the treatment
3 plan and whether treatments are continuing or have concluded.
4 If hyperbaric oxygen treatment has concluded, the treatment
5 facility shall indicate the date the treatment concluded.

6 4. A treatment facility providing hyperbaric oxygen
7 treatment under the pilot program may submit a request for
8 reimbursement of expenses incurred by the treatment facility to
9 the department. The department shall approve the request and
10 reimburse the expenses from the veterans recovery fund if all
11 of the following criteria are met:

12 a. The hyperbaric oxygen treatment was provided according to
13 the approved treatment plan or modified treatment plan.

14 b. The expenses do not exceed the estimated cost of the
15 hyperbaric oxygen treatment as provided in the approved
16 treatment plan or modified treatment plan.

17 c. The treatment facility demonstrates in the reports
18 submitted to the department as required by subsection 3 that
19 the veteran is making measured health improvements or that
20 continuing treatment is recommended.

21 5. The department shall reimburse a veteran from moneys in
22 the veterans recovery fund for any travel and living expenses
23 incurred by the veteran receiving hyperbaric oxygen treatment
24 under the pilot program if the amount requested does not exceed
25 the estimated cost of travel and living expenses as provided in
26 the approved treatment plan or modified treatment plan.

27 6. After six months from the date specified in the reports
28 submitted to the department from a treatment facility that
29 treatment has concluded, the department shall notify the
30 treatment facility and veteran in writing of the expenses
31 that have been reimbursed and whether the amounts reimbursed
32 are less than the costs authorized to be reimbursed pursuant
33 to an approved treatment plan or modified treatment plan.
34 The written notification shall further notify the treatment
35 facility and the veteran that any requests for reimbursement

1 shall not be authorized if a request for reimbursement is not
2 submitted within ninety days after receiving the notice unless,
3 prior to the ninety days, the treatment facility indicates that
4 treatment has not been completed.

5 Sec. 6. NEW SECTION. **35E.6 Repeal.**

6 This chapter is repealed July 1, 2024.

7 Sec. 7. DIRECTIVE TO DEPARTMENT OF VETERANS AFFAIRS. The
8 department of veterans affairs shall submit a notice of
9 intended action to the administrative rules coordinator and
10 the administrative code editor pursuant to section 17A.4,
11 subsection 1, paragraph "a", not later than January 1, 2019,
12 for the adoption of rules to implement and administer chapter
13 35E as enacted in this Act.